

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MURRAY PAVING & RECLAMATION, INC.,

Plaintiff,

v.

INGERSOLL-RAND EQUIPMENT & SERVICES
COMPANY and INGERSOLL-RAND COMPANY,

Defendants.

CIVIL ACTION No. 04-10328 GAO

**INGERSOLL-RAND'S UNOPPOSED MOTION TO SUBMIT ITS REPLY
TO MURRAY'S OPPOSITION TO
INGERSOLL-RAND'S MOTION FOR SUMMARY JUDGMENT**

Ingersoll-Rand Company (“Ingersoll-Rand”) respectfully requests leave to submit its Reply to Murray Paving & Reclamation, Inc.’s (“Murray”) Opposition to Ingersoll-Rand’s Motion for Summary Judgment, which is filed herewith.

As grounds for this motion, Ingersoll-Rand states that the Reply is necessary to address an affidavit submitted by Murray that allegedly raises disputed issues of fact. Ingersoll-Rand seeks to address these alleged disputes, which are neither genuine nor material to Ingersoll-Rand’s Motion for Summary Judgment. As further grounds, Ingersoll-Rand submits that the Reply should assist the Court in deciding its Motion for Summary Judgment.

WHEREFORE, Ingersoll-Rand respectfully requests leave to submit its Reply to Murray’s Opposition to Ingersoll-Rand’s Motion for Summary Judgment.

Respectfully submitted,

INGERSOLL-RAND COMPANY,

By its attorneys,

Carter D. Morse, Jr.
/s/

Jeffrey S. Follett (BBO No. 564337)
Carter D. Morse, Jr. (BBO No. 636645)
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, MA 02110
(617) 832-1000

Date: January 11, 2005

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

I hereby certify that counsel for Defendant does not oppose this motion.

Carter D. Morse, Jr.
/s/
Carter D. Morse, Jr.

Certificate of Service

I certify that on January 11, 2005, I served the foregoing document on plaintiff by causing a copy of the same to be delivered by HAND DELIVERY to its counsel of record: Peter F. Davis, 15 Broad Street, Suite 512, Boston, Massachusetts 02109.

Carter D. Morse, Jr.
/s/
Carter D. Morse, Jr.